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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,855

07/01/2005

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122383

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25944 7590 03/27/2009

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ALEXANDRIA, VA 22320-4850

EXAMINER

MCCLAIN, GERALD

ART UNIT

PAPER NUMBER

3653

MAIL DATE

DELIVERY MODE

03/27/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/522,855	<b>Applicant(s)</b> YAMAMOTO ET AL.	
	<b>Examiner</b> GERALD W. MCCLAIN	<b>Art Unit</b> 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1-4,6-13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

The amendment filed 7 January 2009 has been entered.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 9, 13, and 15-19, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki, et al. (US 2002/0056961 A1) ("Sasaki") in view of Fujiwara and further in view of Stier (WO 99/47362). Sasaki discloses:

Claims 1 and 16-17: package member (10); sheet package (10); printer (abstract); side part (23 and 25); edge (23 and 25; See FIG. 6 below, note that the front sections are identified in regions.); sheet storage unit (40); projecting part (55); fold-back part (11h; see "outwardly" language taught below); fold line (30); (Note: at *least one of the sides* of the sheets is capable of being in flush contact with the projecting member, especially as the user places the package into the storage unit.)

Claims 2 and 3: package member (10); perforated line (23 and 25, Note: 23 and 25 were are *capable of* being provided with perforated lines to cut them); side part into two parts (23 and 25);

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Claim 4: projecting part (55); sheet storage unit (40); pressing member (55; Note: every action has an equal and opposite reaction. Therefore, 55 presses the stack of sheets when they press 55.);

Claim 9: projecting part (55); level difference (See FIG. 6, 50 and 52); side wall of the sheet storage unit (55 at 40); side part (23 and 25);

Claim 13: sheet package (10); single sheet-like member (paragraph [0069]);

Claim 15: sheet package (10); paper (paragraph [0069])

Claim 18: first part and second part (23/25);

Claim 19: perforated portion and cut portion including a cut part (23/25).

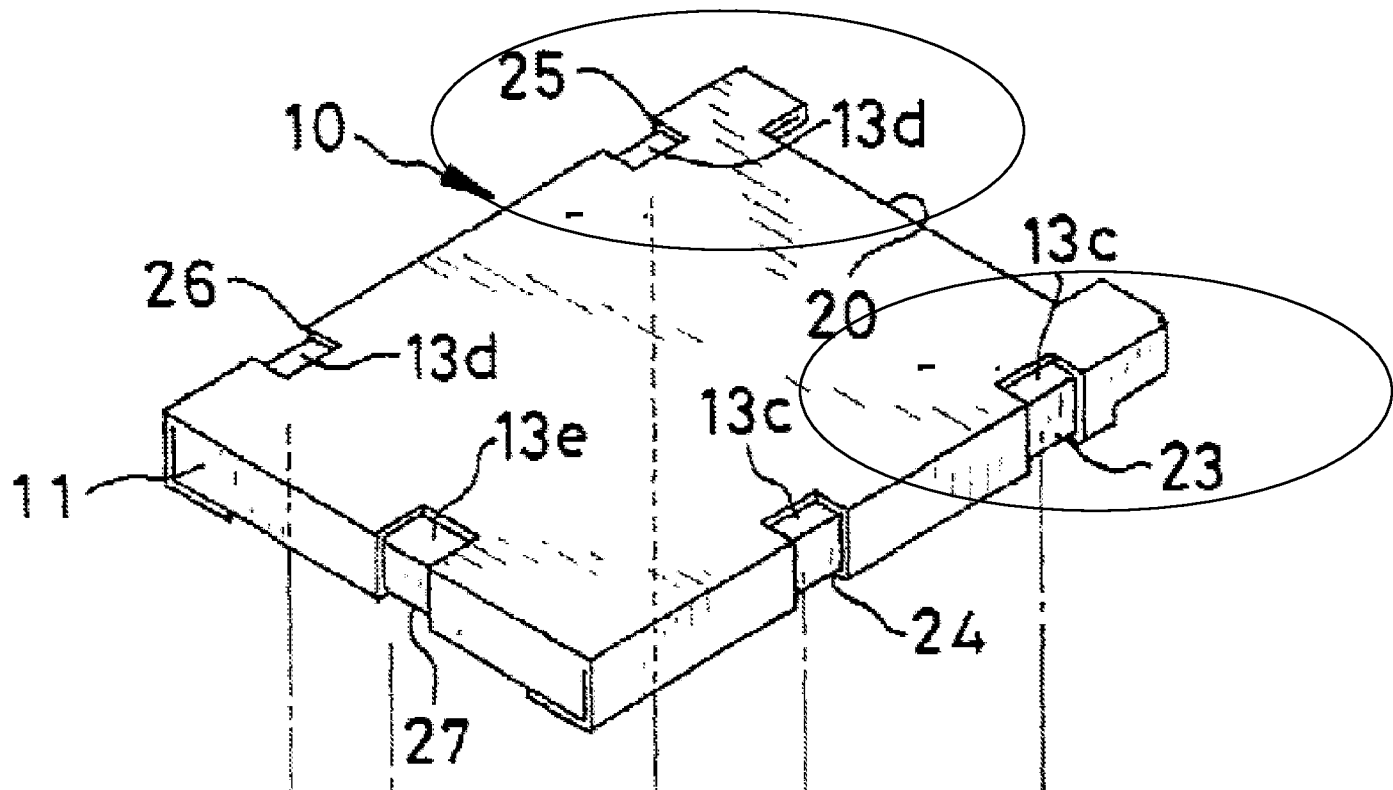
Sasaki does *not directly* show the side part at a first and second position or a fold-back part that is folded outwardly at the fold line.

Fujiwara shows a similar device having the side part at a first and second position (2) for the purpose of reliably picking up sheets one at a time right up to the final sheet (paragraph [0007]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Sasaki as taught by Fujiwara and include Fujiwara's similar device having the side part at a first and second position for the purpose of reliably picking up sheets one at a time right up to the final sheet.

Stier shows a similar device having a fold-back part that is folded outwardly at the fold line (34/26) for the purpose of presenting a cartridge configuration (page 6, line 4). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Sasaki as taught by Stier and include Stier's similar

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device having a fold-back part that is folded outwardly at the fold line for the purpose of presenting a cartridge configuration.

**FIG. 6**

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Fujiwara and further in view of Stier and Ishiduka. Sasaki discloses all the limitations of the claims as discussed above. Sasaki does not directly show a sensor provided to the sheet storage unit, or a difference between a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line and a distance from the pressing member to a rear wall of the sheet storage unit in

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the sheet feed direction is smaller than a maximum permissible displacement of the mark for the sensor wherein the mark indicates the type of the stack of sheets.

Ishiduka shows a similar device having a sensor provided to the sheet storage unit, or a difference between a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line and a distance from the pressing member to a rear wall of the sheet storage unit in the sheet feed direction is smaller than a maximum permissible displacement of the mark for the sensor wherein the mark indicates the type of the stack of sheets (column 6, lines 17-32; FIG. 1 and 3A) for the purpose of allowing the printer to read the paper information from the mark (column 6, lines 22-23). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Sasaki as taught by Ishiduka and include Ishiduka's similar device having a sensor provided to the sheet storage unit, or a difference between a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line and a distance from the pressing member to a rear wall of the sheet storage unit in the sheet feed direction is smaller than a maximum permissible displacement of the mark for the sensor wherein the mark indicates the type of the stack of sheets for the purpose of allowing the printer to read the paper information from the mark.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Fujiwara and further in view of Stier and Ishiduka. Sasaki discloses all the limitations of the claims as discussed above. Sasaki does not directly show a

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package member provided with a mark which can be read by a sensor provided to the sheet storage unit, or a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line that is substantially equal to a distance from the level difference to a rear wall of the sheet storage unit in the sheet feed direction.

Ishiduka shows a similar device having a package member provided with a mark which can be read by a sensor provided to the sheet storage unit, and a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line that is substantially equal to a distance from the level difference to a rear wall of the sheet storage unit in the sheet feed direction (column 6, lines 17-32; FIG. 1 and 3A) for the purpose of allowing the printer to read the paper information from the mark (column 6, lines 22-23). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Sasaki as taught by Ishiduka and include Ishiduka's similar device having a package member provided with a mark which can be read by a sensor provided to the sheet storage unit, and a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line that is substantially equal to a distance from the level difference to a rear wall of the sheet storage unit in the sheet feed direction for the purpose of allowing the printer to read the paper information from the mark.

***Allowable Subject Matter***

Claim 20 is allowed.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-4, 6-13, and 15-19 have been considered but are moot in view of the new ground(s) of rejection.

The Office Action asserts that the cutouts 23, 25 of Sasaki or the cover part 2 of Fujiwara correspond to the claimed side part (including first and second parts) of independent claims 1, 16 and 17 (see Office Action, pages 2 and 3). However, the cutouts 23, 25 of Sasaki and the cover part 2 of Fujiwara do not include two separate "first and second parts" that are independently detachable from one another (see Fig. 1 of Sasaki and Fig. 3 of Fujiwara).

Side parts 23 and 24 of Sasaki are separate as can be seen in FIG. 4. They were implicitly detached since the material is no longer present in FIG. 4 (and the disclosure of Sasaki labels them "cutouts" (paragraph [0074])).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERALD W. MCCLAIN whose telephone number is (571)272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerald W. McClain  
Examiner  
Art Unit 3653

/Patrick H. Mackey/  
Supervisory Patent Examiner, Art  
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